

HOUSE No. 1822

The Commonwealth of Massachusetts

PRESENTED BY:

Allen J. McCarthy

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act amending the workers' compensation act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Allen J. McCarthy	7th Plymouth
Robert L. Rice, Jr.	2nd Worcester
Steven J. D'Amico	4th Bristol
James B. Eldridge	Middlesex and Worcester
Paul McMurtry	11th Norfolk
James J. O'Day	14th Worcester District

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT AMENDING THE WORKERS' COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 24 of chapter 152 of the General Laws, as appearing in the 2006 Official Edition, is
2 hereby amended by inserting at the end thereof the following sentence:- Notwithstanding the foregoing,
3 when an employee's personal injury is the proximate cause of the employee's death and the employee has
4 no spouse or dependents entitled to receive death benefits, and the employee has not given notice to the
5 employer that they are preserving their right of action at common law as provided by this section, the
6 employee's next of kin shall not be held to have waived any right created by statute or at common law,
7 including but not limited to, claims for damages due to wrongful death.

8 SECTION 2. Section 68 of said chapter 152, as so appearing, is hereby amended by inserting after the
9 word "thereto", in line 7, the following words:- ,except as provided by section 24 of this chapter.

10 SECTION 3. Section 2 of chapter 229 of the General Laws, as so appearing, is hereby amended by
11 inserting after the word "section", in line 23, the following words:- except as provided by section 24 of
12 chapter 152,

13 SECTION 4. This act shall be effective to all causes of action which accrued on or after January 1, 2008,
14 and to all applicable causes of action now pending in any court in the commonwealth.